

## Duxbury Public Schools

### CODE OF CONDUCT

Revised June 2016

#### Introduction

The Duxbury Public Schools community strives to foster an atmosphere in which all people are treated with respect. Mature and responsible behavior is essential to maintaining an environment that encourages learning and promotes a safe and positive climate. The school community includes students, teachers, administrators, guidance counselors, custodians, secretaries, cafeteria workers, parent volunteers, and school visitors. Each person in the school must have the opportunity to grow personally, socially, and intellectually; as well as the opportunity to exercise his/her rights in a positive and constructive way. Thus, all members of the school community have the responsibility to conduct themselves in a way that demonstrates respect for all individuals, their rights, and their property. This behavior is expected during all curricular, co-curricular, athletic, and special events of the school both on and off campus. A student's participation in co-curricular or athletic activities is a privilege, not a right or entitlement. Student co-curricular participants and athletes are also subject to the respective Code of Conduct for Athletes and Co-Curricular students.

#### Disciplinary Procedures:

The Code of Conduct of the Duxbury Public Schools is administered within the framework of the United States Constitution and state laws and regulations with regard to due process for students. The Code of Conduct is intended to be administered for disciplinary infractions that occur on school grounds or at school-sponsored events (on and off school grounds) OR for disciplinary infractions that occur off school grounds but substantially disrupt the educational environment or create a hostile environment at school.

The Code of Conduct is based on a system of progressive discipline with a goal of limiting the use of long-term suspension as a consequence for student misconduct until other consequences have been considered, as appropriate. The administrator will exercise discretion in determining disciplinary consequences. The administrator may utilize his/her discretion to significantly increase penalties in the cases of second and third offenses or for other factors. In determining the severity of the penalty or suspension, the appropriate administrator may consider all relevant facts, including but not limited to: 1) previous disciplinary record, 2) severity of disruption to the educational process, 3) degree of danger to self and/or others, 4) the degree to which the student is willing to change his/her inappropriate behavior and 5) whether alternative consequences are appropriate to re-engage the student in learning. Alternative consequences may include the use of evidence-based strategies and programs such as mediation, conflict resolution, restorative justice, and positive behavioral interventions and supports.

In an effort to maintain the quality and integrity of programs throughout the school year, infractions of school rules which occur after May 1st of any school year may be subject to further consequences in addition to those listed below, which include but are not limited to,

removal from school activities, senior/promotion class activities and/or participation in graduation/promotion activities or ceremonies.

All rules and regulations are subject to review through the Handbook Committee and School Council. Students and teachers are encouraged to discuss the rationale and enforcement of our rules that are intended to make the school a humane and rational institution.

The types of behavior that will not be tolerated have been categorized into four groups (A through D), based on the seriousness of the consequences.

### **Types of Behavior:**

#### **GROUP A – Excluding Drugs and Alcohol**

1. Assault and/or battery of any member of the school community.
2. Threat of violence directed toward any member of the school community.
3. Possessing, selling, giving or distributing weapons, fireworks or any other contraband.
4. Obtaining money, material goods, or favors by threat of physical harm.
5. Willful destruction of, or damage to, school or personal property.
6. Act of arson (i.e. setting something on fire), use or possession of a weapon (including knife, club, slingshot, or other article that can be deemed dangerous), use of explosives (including fireworks).
7. Bomb threat or fire alarm (false included).
8. Participation in the act of hazing, harassment, and/or bullying.

Consequence: Minimum - five (5) day suspension from all classes and school activities, restitution for any damage, involvement of the police and/or fire department as appropriate, social probation for the equivalent of nine weeks.

(Social probation means that a student may not attend or participate in any voluntary school-sponsored function or activity.) Leadership roles in athletics, co-curricular and school offices will be terminated. Parking decals may be forfeited for the remainder of the school year. Seniors are reminded that social probation includes Senior Night Out and the Junior Prom. The principal has sole discretion in regard to attendance at Senior Awards and Graduation due to the academic nature of these events.

Additional Action: Referral to principal for suspension beyond ten (10) days, or expulsion. See Sections on “Suspension”, “Expulsion”, and “Felony Complaint/Conviction” as well as the School Committee Policy J for rules pertaining to long term suspension/expulsion by the principal for possession of a weapon, controlled substance or assault of educational personnel on school property or at school-related events or when a student is charged with/convicted of a felony.

#### **GROUP A – Drugs and Alcohol**

1. Use or being under the effect following use of alcoholic beverage.
2. Possessing, or conspiring to obtain, an alcoholic beverage. The operator of the car is considered to be in possession if alcohol is found in the vehicle whether or not the driver is in the vehicle. Passengers are considered to be in possession if alcohol is found in the passenger area of

the vehicle or if it is established that the passenger knew that alcohol was being transported in any area of the vehicle other than the passenger area. This applies to any vehicle on school grounds or at a school-sponsored activity.

3. Use or being under the effect following use of a controlled substance.
4. Possessing or conspiring to obtain a controlled substance.

Consequence: Five (5) day suspension from all classes and school activities, restitution for any damage, involvement of the police and/or fire department as appropriate, social probation for the equivalent of nine (9) weeks. (Social probation means that a student may not attend or participate in any voluntary school-sponsored function or activity.) In most cases, a first time offense will result in a five (5) day suspension with social probation for nine (9) weeks.

Counseling will be strongly recommended. (As with all medical treatment, the school is not responsible for the costs associated with these treatments.) Leadership roles in athletics, co-curricular and school offices will be terminated. Parking decals may be forfeited for the remainder of the school year. A second offense will result in a minimum 10- day suspension with social probation for twelve (12) weeks. Seniors are reminded that social probation includes Senior Night Out and the Junior Prom. The principal has sole discretion in regard to attendance at Senior Awards and Graduation due to the academic nature of these events.

Additional Action: Referral to principal for suspension beyond ten (10) days, or expulsion. See Sections on “Suspension”, “Expulsion”, and “Felony Complaint/Conviction”, as well as the School Committee Policy J for rules pertaining to long term suspension/expulsion by the principal for possession of a weapon, controlled substance or assault of educational personnel on school property or at school-related events or when a student is charged with/convicted of a felony.

5. Selling, conspiring to sell, giving or distributing an alcoholic beverage.

Consequence: Ten (10) day suspension from all classes and school activities, restitution for any damage, involvement of the police and/or fire department as appropriate, social probation for the equivalent of twelve (12) weeks. (Social probation means that a student may not attend or participate in any voluntary school-sponsored function or activity.) During the 10-day suspension, a hearing will be held with the Principal to determine further action. Leadership roles in athletics, co-curricular and school offices will be terminated. Parking decals may be forfeited for the remainder of the school year.

Seniors are reminded that social probation includes Senior Night Out and the Junior Prom. The principal has sole discretion in regard to attendance at Senior Awards and Graduation due to the academic nature of these events.

Additional Action: Referral to principal for suspension beyond ten (10) days, or expulsion. See Sections on “Suspension”, “Expulsion”, and “Felony Complaint/Conviction” as well as the School Committee Policy J for rules pertaining to long term suspension/expulsion by the principal for possession of a weapon, controlled substance or assault of educational personnel on school property or at school-related events or when a student is charged with/convicted of a felony.

6. Selling, conspiring to sell, giving or distributing a controlled substance.

Consequence: Ten (10) day suspension from all classes and school activities, restitution for any damage, involvement of the police and/or fire department as appropriate, social probation for the equivalent of twelve (12) weeks. (Social probation means that a student may not attend or participate in any voluntary school-sponsored function or activity.) During the 10-day suspension, a hearing will be held with the principal to determine further action. Leadership roles in athletics, co-curricular and school offices will be terminated. Parking decals may be forfeited for the remainder of the school year. Seniors are reminded that social probation includes Senior Night Out and the Junior Prom. The principal has sole discretion in regard to attendance at Senior Awards and Graduation due to the academic nature of these events.

Additional Action: Referral to principal for suspension beyond ten (10) days, or expulsion. See Sections on “Suspension”, “Expulsion”, and “Felony Complaint/Conviction”, as well as the School Committee policy J for rules pertaining to long term suspension/expulsion by the principal for possession of a weapon, controlled substance or assault of educational personnel on school property or at school-related events or when a student is charged with/convicted of a felony.

**If a student is suspected of violating a Code A offense, the most serious and potentially dangerous of offenses, immediate action is taken by the school administration to insure the safety of all students and staff at Duxbury Public Schools.**

## **GROUP B**

1. Fighting: “Self-defense” may be used as a defense in a hearing procedure. However, it is the responsibility of the person claiming self-defense to prove that he/she had no route of escape.
2. Actions and/or comments that may threaten or incite others to disrupt the good order of the school and/or endanger a person(s) or property.
3. Leaving school without permission: Once students are present in school or on school grounds, they may not leave without permission. This issue presents a serious safety issue to the school. If students need to leave school for any length of time due to an emergency, they must first ask the permission of an administrator. A student leaving school in a car may lose his/her driving/parking privileges for twenty school days. A second violation may result in losing driving/parking privileges for the remainder of the school year.
4. Theft of school or personal property or receiving such stolen items (including possession of answer key, teacher manual, test not yet taken, etc.).

Consequence: Minimum – three (3) days of suspension from all classes and school activities. In-school suspension or work details may be substituted for suspension and/or assigned in conjunction with the suspension days, restitution for any damage, reporting to the police and/or fire departments as appropriate.

Additional Action: Consequences noted under Group A above.

## **GROUP C**

1. Behavior that disrupts the educational process (e.g., inappropriate classroom behavior, inappropriate physical contact, making excessive noise and misuse of school equipment, etc.).
2. Non-compliance with any reasonable request from any member of the school staff and/or deliberately giving false or misleading information. When doubt exists as to the reasonableness of a request from a staff member, students are encouraged to consult with a department head or school administrator after compliance with the request.
3. Knowingly forging or willfully using a school-related forged document, tampering with a school record or misrepresentation of parental communication.
4. Use of profane or obscene language or gestures, which substantially disrupts the good order of the school or offends those to whom such offenses are directed, will not be tolerated. Likewise, use of slurs based upon religious, ethnic, racial, gender or sexual orientation will not be tolerated.
5. Failure to attend an assigned class will also receive a zero for class work due to cutting a class.
6. Embarrassment or harassment of any student, staff member or other member of the school community.
7. Truancy.
8. Being in an unauthorized area (e.g., any area in the school which is unsupervised or in which the student does not have permission from a staff member to be at that time).
9. Smoking on school buses, school property before or after school, anytime during the school day, or at co curricular or athletic activities. Smoking includes the use of tobacco or herbal products in any form (e.g. smokeless tobacco). Tobacco and nicotine products and smoking paraphernalia are not allowed on school grounds and will be confiscated.
10. Possession of drug paraphernalia (e.g. pipes, rolling papers, grinders, vaporizers, etc.)
11. Violation of the Empowered User Policy and/or Student Parent Laptop Agreement

Consequence: Minimum – suspension from all classes and school activities not to exceed three (3) days and/or work detail (work details and/or in-school suspension may be substituted for suspensions and/or given in conjunction with suspensions).

Additional Action: Consequences noted under Group B above.

## **GROUP D**

1. Excessive Tardiness: More than five (5) tardies per semester.  
Students who arrive before 8:30 AM will report directly to class. Students who are tardy after 8:30 AM will report to the main office to sign in and receive a pass to class (DMS and DHS).
2. Failure to sign into school after 8:30 AM (DMS and DHS)
3. Failure to attend teacher detention or general detention.
4. Students who drive to school will lose their driving/parking privilege for twenty (20) school days upon the accumulation of 10 tardies. Students who are tardy ten (10) times prior to being issued a decal will not be able to receive a parking decal within the given year.
5. Failure to operate a motorized vehicle in a safe manner on school property.
6. Failure to follow the student driving/parking regulations.
7. Being in, on, or around an automobile during school hours without an authorization from the principal or assistant principal.

Consequence:

Tardiness (DHS ONLY): all students who exceed 5 unexcused tardies in a semester will be subject to progressive discipline for each successive tardy.

- On the sixth (6th) tardy students will be assigned a General Detention (2:55 - 3:45 PM) .
- On the seventh and eighth and ninth (7th, 8th, & 9th) tardy, students will be assigned two General Detentions each.
- On the tenth (10th) tardy, students will be assigned a Work Detail. Parking privileges will also be revoked where applicable after the tenth (10th) tardy (see parking privileges procedure).
- Subsequent tardies will result in more severe consequences and administrative review.
- One or more of the following: conference with an administrator, detention, work detail and/or suspension at the discretion of the administrator; revocation of driving privileges. .

Additional Action: Revocation of driving privilege for a longer period of time (up to remainder of year), action noted under Group C above.

**SUSPENSIONS**

The Duxbury Public Schools adheres to the Student Discipline Laws and Regulations as set forth in Massachusetts General Laws Chapter 37H, 37 H1/2 and 37 H ¾ and 603 CMR 53.00 et seq.

**IN-SCHOOL SUSPENSION PROCEDURES:**

A student may be removed from regular classroom activities, but not from the school premises, for up to ten (10) consecutive school days or up to ten (10) school days cumulatively for multiple infractions during the school year. Students who are placed in in-school suspension shall have the opportunity to earn credits, make up assignments, tests, papers, and other school work as needed to make academic progress during the in-school suspension.

A student who is unable to consistently adhere to acceptable classroom standards in a particular class may be removed from the class permanently and assigned to a different class at the discretion of the principal and/or his/her designee.

The principal or designee shall notify the superintendent of an exclusion imposed on a student enrolled in kindergarten through grade 3 prior to such exclusion taking effect, describing the alleged misconduct and reason for exclusion.

Notice of In-School Suspension:

The principal or his/her designee shall inform the student of the disciplinary offense charged and the basis for the charge, and provide the student with an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident. If the principal or his/her designee determines that the student committed the disciplinary offense, the principal or his/her designee shall inform the student of the length of the student's in-school suspension, which shall not exceed ten (10) days, cumulatively or consecutively, in a school year.

On the same day as the in-school suspension decision, the principal or his/her designee shall make reasonable efforts to notify the parent orally of the disciplinary offense, the reasons for concluding that the student committed the infraction, and the length of the in-school suspension.

On the day of the suspension, the principal or his/her designee shall send written notice (by hand-delivery, certified mail, first class mail or email) to the student and parent including the reason and the length of the in-school suspension, and inviting the parent to a meeting if the meeting has not already occurred. The notice shall be in English and the primary language of the home if another language is identified in the home language survey, or by other means, as appropriate.

Parent Meeting:

The principal or his designee shall also invite the parent to a meeting to discuss the student's academic performance and behavior, strategies for student engagement, and possible responses to the behavior. Such meeting shall be scheduled on the day of the suspension if possible, and if not, as soon thereafter as possible. If the principal or his/her designee is unable to reach the parent after making and documenting at least (2) attempts to do so, such attempts shall constitute reasonable efforts for purposes of orally informing the parent of the in-school suspension.

No Right to Appeal:

The decision of the Principal or his/her designee is the final decision for in-school suspensions not exceeding ten (10) days, consecutively or cumulatively during a school year.

**OUT-OF-SCHOOL SUSPENSION PROCEDURES:**

Due Process Procedures for Out-of-School Suspensions:

There are two types of out-of-school suspensions, Short-Term Suspensions and Long-Term Suspensions. The principal or his/her designee shall determine the extent of the rights to be afforded the student at a disciplinary hearing based on the anticipated consequences for the disciplinary offense. If the consequence may be long-term suspension from school, the principal or his/her designee shall afford the student, additional rights as described below, in addition to those rights afforded to students who may face a short-term suspension from school. All students facing out-of-school suspension shall have the right to oral and written notice, as described below.

Notice for Any Out-of-School Suspension:

Prior to suspending a student, the Principal or his/her designee will provide the student and the Parent oral and written notice of the possible suspension, an opportunity for the student to have a hearing and the opportunity of the Parent(s) to participate in the hearing. The notice will be in English and in the primary language of the home if other than English as identified in the home language survey, or by other means of communication where appropriate. The notice will set forth in plain language:

- (a) the disciplinary offense;

- (b) the basis for the charge;
- (c) the potential consequences, including the potential length of the student's suspension;
- (d) the opportunity for the student to have a hearing with the principal or his designee concerning the proposed suspension, including the opportunity to dispute the charges and to present the student's explanation of the alleged incident, and for the parent to attend the hearing;
- (e) the date, time, and location of the hearing;
- (f) the right of the student and the student's parent to interpreter services at the hearing if needed to participate;
- (g) if the student may be placed on long-term suspension following the hearing with the principal:

1. the rights set forth in 603 CMR 53.08(3)(b); and
2. the right to appeal the principal's decision to the superintendent.

The principal or his/her designee shall make reasonable efforts to notify the parent orally of the opportunity to attend the hearing. Prior to conducting a hearing without the parent present, the principal or his/her designee will document reasonable efforts to include the parent. The principal or his/her designee is presumed to have made reasonable efforts if the principal or his/her designee has sent written notice and has documented at least two (2) attempts to contact the parent in the manner specified by the parent for emergency notification.

Written notice to the parent may be made by hand delivery, first-class mail, certified mail, email to an address provided by the parent for school communications, or any other method of delivery agreed to by the principal and parent.

*Emergency Removal of Student:*

Under certain emergency circumstances, it may not be practical for the principal or his/her designee to provide prior oral and written notice before removing a student from school. The principal or his/her designee may remove a student from school temporarily when a student is charged with a disciplinary offense and the continued presence of the student poses a danger to persons or property, or materially and substantially disrupts the order of the school, and, in the principal's (or his/her designee's) judgment, there is no alternative available to alleviate the danger or disruption. The principal or his/her designee will immediately notify the superintendent in writing of the removal and the reason for it, and describe the danger presented by the student. The temporary removal shall not exceed two (2) school days following the day of the emergency removal, during which time the principal shall:

- (a) Make immediate and reasonable efforts to orally notify the student and the student's parent of the emergency removal, the reason for the need for emergency removal, the disciplinary offense, the basis for the charge, the potential consequences, including potential length of suspension, the opportunity for a hearing including the date/time/location of the hearing, the right to interpreter services, and other rights permitted for students who may be placed on long-term suspension as set forth in 603 CMR. 53.08(3)(b);



(b) Provide written notice to the student and parent, including the information described in 603 CMR 53.06(2);

(c) Provide the student an opportunity for a hearing with the principal or his/her designee that complies with 603 CMR 53.08(2) or 53.08(3), as applicable, and the parent an opportunity to attend the hearing, before the expiration of the two (2) school days, unless an extension of time for hearing is otherwise agreed to by the principal, student, and parent.

(d) Render a decision orally on the same day as the hearing, and in writing no later than the following school day, which meets the requirements of 603 CMR 53.08(2)(c) and 53.08(2)(d) or 603 CMR 53.08(3)(c) and 53.08(3)(d), as applicable.

A principal will not remove a student from school on an emergency basis for a disciplinary offense until adequate provisions have been made for the student's safety and transportation.

#### SHORT-TERM SUSPENSION PROCEDURES:

A Short-Term Suspension is the removal of a student from the school premises and regular classroom activities for ten (10) consecutive school days or less. The principal, or his/her designee, may, in his or her discretion, allow a student to serve a short-term suspension in school. Any student facing a potential short-term suspension is entitled to a hearing with the Principal or his/her designee with the following process:

#### Principal Hearing - Short-term Suspension:

(a) The purpose of the hearing with the principal or his/her designee is to hear and consider information regarding the alleged incident for which the student may be suspended, provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident, determine if the student committed the disciplinary offense, and if so, the consequences for the infraction. At a minimum, the principal or his/her designee shall discuss the disciplinary offense, the basis for the charge, and any other pertinent information. The student also shall have an opportunity to present information, including mitigating facts that the principal or his/her designee should consider in determining whether other remedies and consequences may be appropriate as alternatives to suspension. The principal or his/her designee shall provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the principal should consider in determining consequences for the student.

(b) Based on the available information, including mitigating circumstances, the principal or his/her designee shall determine whether the student committed the disciplinary offense, and, if so, what remedy or consequence will be imposed.

(c) The principal or his/her designee shall notify the student and parent of the determination and the reasons for it, and, if the student is suspended, the type and duration of suspension and the opportunity to make up assignments and such other school work as

needed to make academic progress during the period of removal, as provided in 603 CMR 53.13(1). The determination shall be in writing and may be in the form of an update to the original written notice.

(d) If the student is in a public preschool program or in grades K through 3, the principal shall send a copy of the written determination to the superintendent and explain the reasons for imposing an out-of-school suspension, before the short-term suspension takes effect.

*No Right to Appeal:*

The decision of the Principal or his/her designee is the final decision for short-term out-of-school suspensions not exceeding ten (10) days, consecutively or cumulatively during a school year.

*LONG-TERM SUSPENSION PROCEDURES:*

A Long-Term Suspension is the removal of a student from the school premises and regular classroom activities for more than ten (10) consecutive school days, or for more than ten (10) school days cumulatively for multiple disciplinary offenses in any school year. The principal or his/her designee, may, in his or her discretion, may allow a student to serve a long-term suspension in school. Except for students who are charged with a disciplinary offense set forth in Massachusetts General Laws Chapter 71, §37 H, or in Massachusetts General laws Chapter 71 § 37H ½, no student may be placed on long-term suspension for one or more disciplinary offenses for more than ninety (90) school days in a school year beginning with the first day that the student is removed from school. No long-term suspension shall extend beyond the end of the school year in which such suspension is imposed. Any student facing a potential long-term suspension is entitled to a hearing with the Principal or his/her designee with the following process

*Principal Hearing - Long-term Suspension:*

(a) The purpose of the hearing with the principal or his/her designee is to hear and consider information regarding the alleged incident for which the student may be suspended, provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident, determine if the student committed the disciplinary offense, and if so, the consequences for the infraction. At a minimum, the principal or his/her designee shall discuss the disciplinary offense, the basis for the charge, and any other pertinent information. The student also shall have an opportunity to present information, including mitigating facts, that the principal should consider in determining whether other remedies and consequences may be appropriate as alternatives to suspension. The principal or his/her designee shall provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the principal should consider in determining consequences for the student.

(b) In addition to the rights afforded a student in a short-term suspension hearing, the student shall have the following additional rights:

1. In advance of the hearing, the opportunity to review the student's record and the documents upon which the principal may rely in making a determination to suspend the student or not;
2. the right to be represented by counsel or a lay person of the student's choice, at the student's/parent's expense;
3. the right to produce witnesses on his or her behalf and to present the student's explanation of the alleged incident, but the student may not be compelled to do so;
4. the right to cross-examine witnesses presented by the school district;
5. the right to request that the hearing be recorded by the principal, and to receive a copy of the audio recording upon request. If the student or parent requests an audio recording, the principal shall inform all participants before the hearing that an audio record will be made and a copy will be provided to the student and parent upon request.

(c) The principal or his/her designee shall provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the principal should consider in determining consequences for the student.

(d) Based on the evidence, the principal or his/her designee shall determine whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension, what remedy or consequence will be imposed, in place of or in addition to a long-term suspension. The principal or his/her designee shall send the written determination to the student and parent by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or any other method of delivery agreed to by the principal and the parent. If the principal or his/her designee decides to suspend the student, the written determination shall:

1. Identify the disciplinary offense, the date on which the hearing took place, and the participants at the hearing;
2. Set out the key facts and conclusions reached by the principal;
3. Identify the length and effective date of the suspension, as well as a date of return to school;
4. Include notice of the student's opportunity to receive education services to make academic progress during the period of removal from school (see School-Wide Educational );
5. Inform the student of the right to appeal the principal's decision to the superintendent or designee, but only if the principal has imposed a long-term suspension. Notice of the right of appeal shall be in English and the primary language of the home if other than English as determined by the home language survey, or other means of communication where appropriate, and shall include the following information stated in plain language:

a) the process for appealing the decision, including that the student or parent must file a written notice of appeal with the superintendent within five (5) calendar days of the effective date of the long-term suspension; provided that within the five (5) calendar days, the student or parent may request and receive from the superintendent an extension of time for filing the written notice for up to seven (7) additional calendar days; and that the long-term suspension will remain in effect unless and until the superintendent decides to reverse the principal's determination on appeal.

(d) If the student is in a public preschool program or in grades K through 3, the principal shall send a copy of the written determination to the superintendent and explain the reasons for imposing an out-of-school suspension, before the suspension takes effect.

Superintendent's Appeal Hearing:

(1) A student who is placed on long-term suspension following a hearing with the principal shall have the right to appeal the principal's decision to the superintendent.

(2) The student or parent shall file a notice of appeal with the superintendent within five (5) calendar days of the effective date of the long-term suspension; provided that within the five (5) calendar days, the student or parent may request and receive from the superintendent an extension of time for filing the written notice for up to seven (7) additional calendar days. If the appeal is not timely filed, the superintendent may deny the appeal, or may allow the appeal in his or her discretion, for good cause.

(3) The superintendent shall hold the hearing within three (3) school days of the student's request, unless the student or parent requests an extension of up to seven (7) additional calendar days, in which case the superintendent shall grant the extension.

(4) The superintendent shall make a good faith effort to include the parent in the hearing. The superintendent shall be presumed to have made a good faith effort if he or she has made efforts to find a day and time for the hearing that would allow the parent and superintendent to participate. The superintendent shall send written notice to the parent of the date, time, and location of the hearing.

(5) The superintendent shall conduct a hearing to determine whether the student committed the disciplinary offense of which the student is accused, and if so, what the consequence shall be. The superintendent shall arrange for an audio recording of the hearing, a copy of which shall be provided to the student or parent upon request. The superintendent shall inform all participants before the hearing that an audio record will be made of the hearing and a copy will be provided to the student and parent upon request.

(6) The student shall have all the rights afforded the student at the principal's hearing for long-term suspension.

(7) The superintendent shall issue a written decision within five (5) calendar days of the hearing which meets the requirements of 603 CMR 53.08(3)(c)1 through 5. If the superintendent determines that the student committed the disciplinary offense, the superintendent may impose the same or a lesser consequence than the principal, but shall not impose a suspension greater than that imposed by the principal's decision.

(8) The decision of the superintendent shall be the final decision of the school district, with regard to the suspension.

**A parent conference (re-entry meeting) with the Principal or his/her designee is strongly encouraged before students who are suspended return to school. This conference will be used to promote the engagement of the parents or guardians in discussions of the student's misconduct and to assist the student in re-engaging with the school community.**

**EXCLUSION/EXPULSION:**

The exclusion or expulsion of a student from school will be in accordance with Massachusetts General Laws, Chapter 71, Section, 37H. The grounds for exclusion or expulsion include but are not limited to the following:

- a. Any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon, including, but not limited to, a gun, a knife, or their facsimile, or anything used in the commission of assault and battery; or a controlled substance as defined in Chapter 94 C, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion from the school or school district by the principal.
- b. Any student who assaults a principal, assistant principal, teacher, teacher's aide, or other educational staff on school premises or at school-sponsored or school-related events, including athletic games, may be subject to expulsion from the school or school district by the principal.
- c. Any student who is charged with a violation of either paragraph (a) or (b) shall be notified in writing of an opportunity for a hearing; provided, however, that the student may have representation, along with the opportunity to present evidence and witnesses at a hearing before the principal. After said hearing, a principal may, in his/her discretion, decide to suspend rather than expel a student who has been determined by the principal to have violated either paragraph (a) or (b).
- d. Any student who has been expelled from a school district pursuant to these provisions shall have the right to appeal to the superintendent. The expelled student shall have ten days from the date of the expulsion in which to notify the superintendent of his/her appeal. The student has the right to counsel at a hearing before the superintendent. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of this section.

- e. If the student moves to another district during the period of suspension or expulsion, the new district of residence shall either admit the student to its schools or provide educational services to the student in an education service plan.
  
- f. Any student who is suspended or expelled pursuant to this section shall have the opportunity to earn credits, as applicable, make up assignments, tests, papers, and other school work as needed to make academic progress during the period of his or her removal.
  
- g. Any student who is suspended or expelled pursuant to this statute for more than ten (10) consecutive days shall have the opportunity to receive education services and made academic progress toward meeting state and local requirements, through the school-wide education service plan.

**FELONY COMPLAINT OR CONVICTION:**

Pursuant to Massachusetts General Laws Chapter 37 H ½, the following procedures shall be implemented for students charged with or convicted of a felony:

- a. Upon the issuance of a criminal complaint charging a student with a felony or upon the issuance of a felony delinquency complaint against a student, the principal or headmaster of a school in which the student is enrolled may suspend such student for a period of time determined appropriate by said principal or headmaster if said principal or headmaster determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. The student shall receive written notification of this right to appeal and the reasons for such suspension taking effect. Upon expulsion of such student, no school or school district shall be required to provide educational services to the student shall also receive written notification of this right to appeal and the process for appealing such suspension; provided however, that such suspension shall remain in effect prior to any appeal hearing conducted by the superintendent.
  
- b. The student shall have the right to appeal the suspension to the superintendent. The student shall notify the superintendent in writing of his request for an appeal no later than five calendar days following the effective date of the suspension. The superintendent shall hold a hearing with the student and the student's parent or guardian within three calendar days of the student's request for an appeal. At the hearing, the student shall have the right to counsel. The superintendent shall have the authority to overturn or alter the decision of the principal or headmaster, including recommending an alternate educational program for the student. The superintendent shall render a decision on the appeal within five calendar days of the hearing. Such decision shall be the final decision of the city, town, or regional school district with regard to the suspension.

- c. Upon a student being convicted of a felony or upon an adjudication or admission in court of guilt with respect to such felony or felony delinquency, the principal or headmaster of a school in which the student is enrolled may expel said student if such principal or headmaster determines that the student's continued presence in school would have a detrimental effect of the general welfare of the school. The student shall receive written notification of the charges and reasons for such expulsion prior to such expulsion taking effect. The student shall also receive written notification of his right to appeal and the process for appealing such expulsion; provided, however, that the expulsion shall remain in effect prior to any appeal hearing conducted by the superintendent.
- d. The student shall have the right to appeal the expulsion to the superintendent. The student shall notify the superintendent, in writing, of his request for an appeal no later than five calendar days following the effective date of the expulsion. The superintendent shall hold a hearing with the student and the student's parent or guardian within three calendar days of the expulsion. At the hearing, the student shall have the right to present oral and written testimony on his behalf, and shall have the right to counsel. The superintendent shall have the authority to overturn or alter the decision of the principal or headmaster, including recommending an alternate educational program for the student. The superintendent shall render a decision on the appeal within five calendar days of the hearing. Such decision shall be the final decision of the city, town, or regional school district with regard to the expulsion.
- e. Any student who is suspended or expelled pursuant to this section shall have the opportunity to earn credits, as applicable, make up assignments, tests, papers, and other school work as needed to make academic progress during the period of his or her removal.
- f. Any student who is suspended or expelled pursuant to this statute for more than ten (10) consecutive days shall have the opportunity to receive education services and made academic progress toward meeting state and local requirements, through the school-wide education service plan.

**EDUCATION SERVICES AND ACADEMIC PROGRESS UNDER SECTIONS 37H, 37H1/2 AND 37H3/4:**

Any student who is serving an in-school suspension, short-term suspension, long-term suspension, or expulsion shall have the opportunity to earn credits, as applicable, make up assignments, tests, papers, and other school work as needed to make academic progress during the period of his or her removal from the classroom or school. The principal shall inform the student and parent of this opportunity in writing when such suspension or expulsion is imposed.

Any student who is expelled or suspended from school for more than ten (10) consecutive days, whether in school or out of school, shall have an opportunity to receive education services and make academic progress toward meeting state and local requirements, through the school-wide education service plan. A description of the school-wide education service plan is provided below.

The principal shall notify the parent and student of the opportunity to receive education services at the time the student is expelled or placed on long-term suspension. Notice shall be provided in English and in the primary language spoken in the student's home if other than English as determined by the home language survey, or other means of communication where appropriate. The notice shall include a list of the specific education services that are available to the student and contact information for a school district staff member who can provide more detailed information.

### **SCHOOL-WIDE EDUCATIONAL SERVICES PLAN:**

Any student who is expelled or suspended from school for more than ten (10) consecutive days, whether in school or out of school, shall have an opportunity to receive educational services and make academic progress toward meeting state and local requirement, through the school-wide education service plan.

Duxbury High School and Middle School's school-wide education service plan is outlined below.

Services available to student serving a long-term suspension:

- Coordination of workflow between student and teacher
- Access to online coursework aligned with current course enrollment
- Tutoring

Services available to student serving an expulsion:

- Tutoring
- Access to online coursework
- Additional services may be available on an individual basis

Alden Elementary and Chandler Elementary School's school-wide education service plan is outlined below.

Services available to student serving a long-term suspension:

- Coordination of workflow between student and teacher
- Tutoring

Services available to student serving an expulsion:

- Tutoring
- Additional services may be available on an individual basis

### **ELIGIBILITY TO PARTICIPATE IN SCHOOL ACTIVITIES AND EVENTS**

Extra-curricular activities and events are an important part of the educational experience for our students, but participation in these activities is a privilege, not a right. The variety of clubs, activities and events is extensive and students are encouraged to become involved in one or more of these opportunities.



Participation in clubs and activities at Duxbury Public Schools and attending school-sponsored, school-related events is a privilege afforded to students who remain in good standing. To participate in school activities, events and clubs, students are expected to maintain good attendance and demonstrate good behavior and citizenship during school and at school-sponsored events. Eligibility for participation in activities, events, clubs, awards, scholarships and honorary positions at Duxbury Public Schools is limited to students who are currently enrolled in and attending Duxbury Public Schools in good standing. Students not meeting these expectations may be excluded at the discretion of the Principal or his/her designee. A student's removal from extracurricular activities and attendance at school sponsored events is not subject to the procedural requirements of Massachusetts Laws Chapter 37H  $\frac{3}{4}$  (Principal's Hearing). The removal is not a suspension for the purpose of counting the school days that a student is suspended. Parents will be notified when a student is removed or excluded from extracurricular activities.